

DOCKET NUMBER 32-3

Attorneys for Petitioning Creditor
ALAN STANLY

In Re:

FRANCIS J. LOPEZ, an individual,

Alleged Debtor.

DECLARATION OF MICHAEL V. PUNDEFF IN OPPOSITION TO MOTION BY ALLEGED DEBTOR FOR AN ORDER BIFURCATING TRIAL RE INVOLUNTARY PETITION; SETTING DEADLINE TO ADD NEW PETITION CREDITORS; AND REQUIRING THE POSTING OF A BOND

I, Michael V. Pundeff, declare:

2. Petitioning Creditor filed this involuntary petition against Alleged Debtor Francis J. Lopez (“Lopez”) on June 30, 2005.

3. Lopez subsequently identified eleven (11) businesses and one (1) individual who he claimed also held creditor claims against him, and who he asserted should required to join in the involuntary bankruptcy petition. Lopez identified the following alleged creditors:

- Okaloosa Gas District
- Coastal Community Insurance
- American Home Shield
- American Express
- Ft. Walton Beach Medical Center
- Allstate Floridian
- Northwest Florida Daily News
- Chevron Texaco [sic]
- Kelly Plantation Owner's Association
- Progressive Insurance
- Valley Forge Life Insurance; and
- Wayne Wise

4. To determine the veracity of Lopez's claims, on October 3, 2005, this firm served Subpoenas in a Case Under the Bankruptcy Code on all of Lopez's alleged creditors at the addresses supplied by Lopez. The subpoenas sought copies of all credit agreements and other contractual documentation between the alleged creditor and Lopez, along with an "account history" of the charges incurred, payments made, and balances owed from June 30, 2004 (one year prior to the filing of the instant petition) through the present. True copies of the subpoenas, along with proofs of services, are attached hereto collectively as Exhibit "A".

5. The date for production of documents pursuant to the subpoenas has passed. Of the 12 alleged creditors Lopez has identified, four failed to respond to the subpoenas: Kelly Plantation Owner's Association, Allstate Floridian, Northwest Florida Daily News, and Progressive Insurance. Our office is preparing motions to compel and/or for contempt as to these alleged creditors.

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6. Of the eight alleged creditors who responded to the subpoenas, seven either produced documents which affirmatively show they were not owed any monies by Lopez as of the date of the filing of the involuntary petition, or failed to produce any documents that substantiate that they were ever creditors of Lopez, as follows:

- Okaloosa Gas District: Zero balance owed
(Attached hereto as Exhibit "B" are statements showing account was paid current May 2005 through September 2005).
- Costal Community Insurance: Zero balance owed
(Attached hereto as Exhibit "C" are documents produced showing premium payment made by Lopez on August 2004, and property insurance in effect from 7/30/04 through 7/30/05)
- American Home Shield: Zero balance owed
(Attached hereto as Exhibit "D" is statement showing that as of 11/16/04 account was "OK to service" with \$0.00 due)
- American Express: No evidence of debt
(Attached hereto as Exhibit "E" is letter from company stating it has no responsive documents)
- Chevron Texaco [sic]: No evidence of debt
(Attached hereto as Exhibit "F" is letter from agent for service of process stating name of company does not match name on file with secretary of state)
- Valley Forge Life Insurance: Zero balance owed
(Attached hereto as Exhibit "G" is letter stating policy has no cash value, no outstanding loans, and is paid until February 5, 2006)
- Ft. Walton Beach Medical Center: No evidence of debt
(Attached hereto as Exhibit "H" are all of the documents produced by this entity; no documents evidence any charges or outstanding debts of any kind)

7. To date, the only alleged creditor who has provided any evidence of any debt owed by Lopez as of the filing of the involuntary petition is an individual named Wayne Wise, who purports to hold a Promissory Note from Lopez and his wife in the amount of \$15,000. Attached hereto as Exhibit "I" is a true copy of the Promissory Note that Mr. Wise produced in response to his subpoena. Mr. Wise also produced a document entitled "Motion to Dismiss or Transfer Involuntary Petition; Declaration of Francis J. Lopes" [sic] which appears to have been prepared by an attorney in Tennessee for a company called Western Express, Inc. The Declaration, which is not properly notarized, purports to have our firm's name on it; however, no one from this firm

1 had any hand in its preparation, and to the best of my knowledge, it has not be filed in this
2 proceeding or in any other court.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct.

5
6
7 Dated: December 5, 2005

//s// Michael V. PUndeff
Michael V. Pundeff

ROBBINS & KEEHN, APC
ATTORNEYS AT LAW
2400 UNION BANK BUILDING · 530 "B" STREET
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 232-1700 · TELECOPIER (619) 544-9095

EXHIBIT A

B,256 (11/91)

United States Bankruptcy Court

Northern District of Florida

In re FRANCIS J. LOPEZ
Alleged DebtorSUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODECase No. 05-05926-PB7
United States Bankruptcy Court for the Southern District of
CaliforniaTo: OKALOOSA GAS DISTRICT,
CUSTODIAN OF RECORDSChapter 7☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY N/A

COURTROOM N/A

DATE AND TIME N/A

☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION N/A

DATE AND TIME N/A

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A"

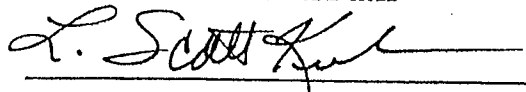
PLACE
Business World
21 Racetrack Rd. NE, Ft. Walton Beach, FL 32547DATE AND TIME
November 3, 2005
10:00 A.M.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES N/A

DATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE



Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
San Diego, CA 92101, 619-232-1700

JOSE N. LOZANO - CEO

J. INGLE, JR. #448
CERTIFIED PROCESS
SERVER FIRST JUDICIAL
CIRCUIT OF FLORIDA
DATE 10/11/05 TIME 8:50 AM

number.

If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

Rec.
10-4-05 9:15 AM

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE

PLACE

10/11/05 8:50am

Okaloosa Gas District
364 Valparaiso Parkway
Valparaiso, FL 32580

SERVED

SERVED ON (PRINT NAME)

Jose N. Lozano

Custodian of Records

CEO

MANNER OF SERVICE

Personally

SERVED BY (PRINT NAME)

James Ingle, Jr. #448

TITLE

CERTIFIED PROCESS SERVER FIRST
JUDICIAL CIRCUIT OF FLORIDA A

DECLARATION OF SERVER


I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

10-11-05

SIGNATURE OF SERVER



Advanced Investigations

ADDRESS OF SERVER

24 Racetrack Rd. NW

Ft. Walton Beach, FL 32547

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **Okaloosa Gas District**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **Okaloosa Gas District**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

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G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provide a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR utilities account of **Francis J. Lopez**.

2. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

3. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

United States Bankruptcy Court

Northern District of FloridaIn re FRANCIS J. LOPEZ,
Alleged DebtorSUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODECase No.¹ 05-05926-PB7
United States Bankruptcy Court for the Southern District of
CaliforniaTo: COSTAL COMMUNITY INSURANCE,
CUSTODIAN OF RECORDSChapter 7☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY <u>N/A</u>	COURTROOM <u>N/A</u>
	DATE AND TIME <u>N/A</u>

☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION <u>N/A</u>	DATE AND TIME <u>N/A</u>
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☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

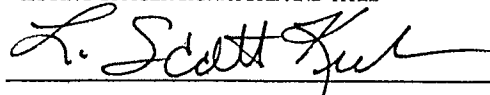
SEE EXHIBIT "A"

PLACE ET Legal Services 4007 Torino Way, Panama City, FL 32405	DATE AND TIME November 1, 2005 10:00 A.M.
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☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES <u>N/A</u>	DATE AND TIME <u>N/A</u>
---------------------	--------------------------

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE  Attorneys for Petitioning Creditor	DATE October 3, 2005
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400, San Diego, CA 92101, 619-232-1700	

¹ If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE

PLACE

10/5/05 10 Am

Costal Community Insurance
12139 Panama City Beach Pkwy.
Panama City Beach, FL 32407

SERVED

SERVED ON (PRINT NAME)

MANDY WEST, COMPUTER
Custodian of Records

MANNER OF SERVICE

Personally

SERVED BY (PRINT NAME)

ELAINE J THOLME

TITLE

SPECIAL PROCESS SERVER #8

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

10/6/2005

DATE

Elaine J Tholme
SIGNATURE OF SERVER

ET Legal Services

ADDRESS OF SERVER

4007 Torino Way

Panama City, FL 32405

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

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**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

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A. The terms "YOU" and "YOUR" mean **Costal Community Insurance**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **Costal Community Insurance**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

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/////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

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A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Policy No. LHQ336763.

2. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Property Insurance (Flood) account of **Francis J. Lopez**.

3. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

4. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

L. Scott Keehn (SBN 61691)
ROBBINS & KEEHN, APC
530 "B" Street, Suite 2400
San Diego, CA 92101
Phone: 619-232-1700

Attorneys for Petitioning Creditor Alan Stanly

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA
110 E. Court Ave., Des Moines, Ia 50309

In Re

FRANCIS J. LOPEZ,

Alleged Debtor.

BANKRUPTCY NO. 05-05926-PB7
United States Bankruptcy Court
for the Southern District of
California

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

TO: AMERICAN HOME SHIELD AGENT FOR SERVICE OF PROCESS

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE

N/A

COURTROOM

N/A

DATE AND TIME

N/A

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE

N/A

DATE AND TIME

N/A

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A"

PLACE

Copypat Photography Centers
517 Locust Street, Des Moines, IA 50309

DATE AND TIME

November 1, 2005
1:00 P.M.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PLACE

N/A

DATE AND TIME

N/A

Any subpoenaed organization not a party to this case shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable to this proceeding by Rule 7030, Fed.R.Bankr.P. See Rules 1018 and 9014, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE

L. Scott Keehn

Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq.
ROBBINS & KEEHN, APC
530 "B" Street, Suite 2400, San Diego, CA 92101, 619-232-1700

AFFIDAVIT OF SERVICE

STATE OF IOWA)

COUNTY OF POLK)

Case No: 05-05926-PB7Date Received: 10/4/05

I, being first duly sworn, depose and say that I received and served:

<input type="checkbox"/> Original Notice	<input type="checkbox"/> Application for Hearing of
<input checked="" type="checkbox"/> Petition	Temporary Issues
<input type="checkbox"/> Jury Demand	<input type="checkbox"/> Summons
<input checked="" type="checkbox"/> Subpoena	<input type="checkbox"/> Complaint
<input type="checkbox"/> Petition for Dissolution of Marriage	<input type="checkbox"/> Verification of Account
<input type="checkbox"/> Order for Pretrial Conference and	Identification of Judgment
Discovery	Debtor, and Certificate
<input type="checkbox"/> Order Re: Mandatory Attendance at Program	Re: Military Service
for Litigants in Family Court	<input type="checkbox"/> Appearance and Answer
<input type="checkbox"/> Confidential Information Form	of Defendant.
<input type="checkbox"/> Order Re: Mediation of Temporary Matters	<input type="checkbox"/> Notice to Quit
and Setting Hearing	<input checked="" type="checkbox"/> Exhibit
<input type="checkbox"/> Notice of Forfeiture of Real Estate Contract	<input checked="" type="checkbox"/> Other <u>letter</u>
<input type="checkbox"/> Order	

Person Served: American Home ShieldDate Served: 10/4/05 11:55 A.M./P.M.2222 Grand Ave. Asm. Ia
(Address)

Manner of Service

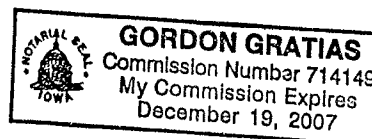
☐ Personally

☐ Dwelling House, to person residing therein who was over the age of 18.

☐ Apartment Building

☐ Spouse, who lives at the dwelling house.

☒ Corporation/State Official

CT CORP - registered agent
NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVEDService Fee: \$37.50Wendy Webb
Subscribed and sworn to me by Wendy Webb
this 4 day of Oct, 2005.[Signature]
Notary Public for the State of Iowa

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **American Home Shield**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **American Home Shield**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

/////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provided a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Acct. No. 58449061.

2. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Home Appliance Insurance account of **Francis J. Lopez**.

3. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

4. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

United States Bankruptcy Court
Southern District of Florida

www.flsb.uscourts.gov

In re FRANCIS J. LOPEZ,
 Alleged Debtor

**SUBPOENA IN BANKRUPTCY
 PROCEEDING**

Case No.¹ 05-05926-PB7
 United States Bankruptcy Court for the Southern District
 of California

Chapter 7

To: AMERICAN EXPRESS,
AGENT FOR SERVICE OF PROCESS

[] YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
N/A	N/A
	DATE AND TIME
	N/A

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
N/A	N/A

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

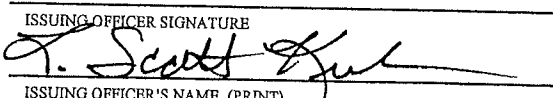
SEE EXHIBIT "A"

PLACE Copy Scan 33 N.E. 2nd St., Suite 300, Ft. Lauderdale, FL 33301	DATE AND TIME November 1, 2005 10:00 A.M.
--	---

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES N/A	DATE AND TIME N/A
-----------------	----------------------

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Bankruptcy Rule 7030. See Bankruptcy Rules 1018 and 9014.

ISSUING OFFICER SIGNATURE 	TITLE Attorneys for Petitioning Creditor
ISSUING OFFICER'S NAME (PRINT) L. Scott Keehn, Esq.	PHONE 619-232-1700
ADDRESS 530 B Street, Suite 2400 San Diego, CA 92101	DATE October 3, 2005

¹ If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, indicate the district under the case number.

AFFIDAVIT OF SERVICE

UNITED STATES BANKRUPTCY COURT
Southern District of Florida

Case Number: 05-05926 PB7

Alleged Debtor:
FRANCIS J. LOPEZ,

For:
L. Scott Keehn, Esq.
ROBBINS & KEEHN
2400 Union Bank Building
530 "B" Street
San Diego, CA 92101

Received by Professional Process Servers on the 4th day of October, 2005 at 9:00 am to be served on
**AMERICAN EXPRESS, AGENT FOR SERVICE OF PROCESS, C/O CT CORPORATION SYSTEM, 1200 S. PINE
ISLAND ROAD, PLANTATION, FL 33324.**

I, George Hanzimanolis, being duly sworn, depose and say that on the 11th day of October, 2005 at 2:05 pm, I:

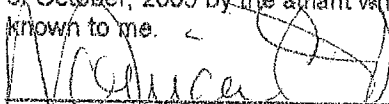
Served the within named Corporation by delivering a true copy of the **SUBPOENA IN BANKRUPTCY
PROCEEDING AND EXHIBIT "A" TO SUBPOENA IN CASE UNDER THE BANKRUPTCY CODE** with the date
and hour of service endorsed thereon by me to **MARIE HENDERSON** as **RECORDS CUSTODIAN** of the within
named corporation, in compliance with State Statutes.

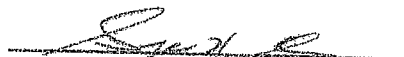
Additional Information pertaining to this Service:
**SUBPOENA WAS REFUSED AT THE GIVEN ADDRESS AS IT DID NOT HAVE THE CORRECT CORPORATE
ENDING. SERVED AT 777 AMERICAN EXPRESS WAY, PLANTATION, FL**

Under penalty of perjury, I do hereby certify that I have read the foregoing Affidavit of Service and that the facts
stated in it are true. I have no interest in the above action. I am a Special Process Server in the county in which it
was served in good standing.

COPY

Subscribed and Sworn to before me on the 12th day
of October, 2005 by the affiant who is personally
known to me.


NOTARY PUBLIC


George Hanzimanolis
137

**Professional Process Servers
& Investigators, Inc.**
1749 N.E. 26th Street, Suite C
Wilton Manors, FL 33305
(954) 566-2523
Our Job Serial Number: 2005019396

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **American Express**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **American Express**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

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E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

/////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provide a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Acct. No. 378349802283007.

2. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR account of **Francis J. Lopez**.

3. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

4. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

L. Scott Keehn (SBN 61691)
ROBBINS & KEEHN, APC
530 "B" Street, Suite 2400
San Diego, CA 92101
Phone: 619-232-1700

Attorneys for Petitioning Creditor Alan Stanly

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA
110 E. Court Ave., Des Moines, Ia 50309

In Re

FRANCIS J. LOPEZ,

BANKRUPTCY NO. 05-05926-PB7
United States Bankruptcy Court
for the Southern District of
California

Alleged Debtor.

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

TO: CHEVRON TEXACO AGENT FOR SERVICE OF PROCESS

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE N/A	COURTROOM N/A
	DATE AND TIME N/A

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE N/A	DATE AND TIME N/A
--------------	----------------------

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

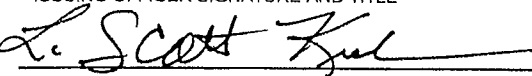
SEE EXHIBIT "A"

PLACE Copicat Photography Centers 517 Locust Street, Des Moines, IA 50309	DATE AND TIME November 1, 2005 10:00 A.M.
---	---

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PLACE N/A	DATE AND TIME N/A
--------------	----------------------

Any subpoenaed organization not a party to this case shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable to this proceeding by Rule 7030, Fed.R.Bankr.P. See Rules 1018 and 9014, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE  Attorneys for Petitioning Creditor	DATE October 3, 2005
--	-------------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
L. Scott Keehn, Esq.
ROBBINS & KEEHN, APC
530 "B" Street, Suite 2400, San Diego, CA 92101, 619-232-1700

AFFIDAVIT OF SERVICE

STATE OF IOWA)
)
 COUNTY OF POLK)

Case No: 05-05926-AB7Date Received: 10/04/05

I, being first duly sworn, depose and say that I received and served:

<input type="checkbox"/> Original Notice	<input type="checkbox"/> Application for Hearing of Temporary Issues
<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Summons
<input type="checkbox"/> Jury Demand	<input type="checkbox"/> Complaint
<input checked="" type="checkbox"/> Subpoena	<input type="checkbox"/> Verification of Account
<input type="checkbox"/> Petition for Dissolution of Marriage	<input type="checkbox"/> Identification of Judgment Debtor, and Certificate
<input type="checkbox"/> Order for Pretrial Conference and Discovery	<input type="checkbox"/> Re: Military Service
<input type="checkbox"/> Order Re: Mandatory Attendance at Program for Litigants in Family Court	<input type="checkbox"/> Appearance and Answer of Defendant.
<input type="checkbox"/> Confidential Information Form	<input type="checkbox"/> Notice to Quit
<input type="checkbox"/> Order Re: Mediation of Temporary Matters and Setting Hearing	<input checked="" type="checkbox"/> Exhibit
<input type="checkbox"/> Notice of Forfeiture of Real Estate Contract	<input checked="" type="checkbox"/> Other <u>letter</u>
<input type="checkbox"/> Order	

Person Served: Chevron TexacoDate Served: 10/4/05 10:05 A.M. / P.M.
729 Ins. Exchange Bld. D.S.M. IA
 (Address)

Manner of Service

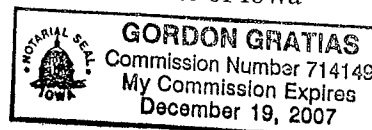
☐ Personally
☐ Dwelling House, to person residing therein who was over the age of 18.
☐ Apartment Building
☐ Spouse, who lives at the dwelling house.
☒ Corporation/State Official

% Prentice Hall Corporation - registered agent
 NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED

Service Fee: \$37.50

Wendy Webb
 Subscribed and sworn to me by Wendy Webb
 this 4 day of Oct, 2005.

[Signature]
 Notary Public for the State of Iowa



**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **Chevron Texaco**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **Chevron Texaco**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

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D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

/////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

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A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Acct. No. 77-917-6550-1.

2. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR account of **Francis J. Lopez**.

3. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

4. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

B 256 (11/91)

United States Bankruptcy Court

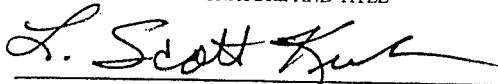
Middle District of TennesseeIn re FRANCIS J. LOPEZ
Alleged DebtorSUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODECase No.¹ 05-05926-PB7
United States Bankruptcy Court for the Southern District of
CaliforniaTo: VALLEY FORGE LIFE INSURANCE,
CUSTODIAN OF RECORDSChapter 7☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.PLACE OF TESTIMONY N/ACOURTROOM N/ADATE AND TIME N/A☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.PLACE OF DEPOSITION N/ADATE AND TIME N/A☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

.. SEE EXHIBIT "A"

PLACE
Road Runner Courier Service
360 Deaderick St., Nashville TN 37201DATE AND TIME
November 1, 2005
10:00 A.M.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.PREMISES N/ADATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE



Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
San Diego, CA 92101, 619-232-1700

1

number.

If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE

PLACE

Valley Forge Life Insurance
100 CNA Drive
Nashville, TN 37214

SERVED

SERVED ON (PRINT NAME)

Custodian of Records

MANNER OF SERVICE

Personally

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

Road Runner Courier Service

ADDRESS OF SERVER

360 Deaderick St.

Nashville, TN 37201

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) **DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **Valley Forge Life Insurance**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of, who are in possession of **Valley Forge Life Insurance**, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

/////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provide a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Acct. No. VITU045825.

2. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR account of **Francis J. Lopez**.

3. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

4. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

B 256 (11/91)

United States Bankruptcy Court

Middle District of TennesseeIn re FRANCIS J. LOPEZ,
Alleged DebtorSUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODECase No. 05-05926-PB7
United States Bankruptcy Court for the Southern District of
CaliforniaTo: WAYNE WISEChapter 7☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.PLACE OF TESTIMONY N/ACOURTROOM N/ADATE AND TIME N/A☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.PLACE OF DEPOSITION N/ADATE AND TIME N/A☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

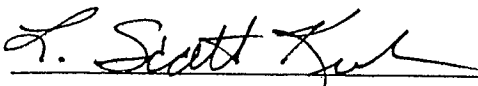
SEE EXHIBIT "A"

PLACE
Road Runner Courier Service
360 Deaderick St., Nashville, TN 37201DATE AND TIME
November 1, 2005
1:00 P.M.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.PREMISES N/ADATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE

DATE



Attorneys for Petitioning Creditor

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
San Diego, CA 92101, 619-232-1700

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE

PLACE

Wayne Wise
810 Red Tanager Ct.
Nashville, TN 37221

SERVED

SERVED ON (PRINT NAME)

Wayne Wise

MANNER OF SERVICE

Personally

* SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

Road Runner Courier Service

ADDRESS OF SERVER

360 Deaderick St.

Nashville, TN 37201

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **Wayne Wise**, his agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **Wayne Wise**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

/////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provided a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR personal loan to **Francis J. Lopez**.

2. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to an account of **Francis J. Lopez**.

3. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

4. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

B 256 (11/91)

United States Bankruptcy Court

Northern District of Florida

In re FRANCIS J. LOPEZ,
Alleged Debtor

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

Case No.¹ 05-05926-PB7
United States Bankruptcy Court for the Southern District of
California

To: KELLY PLANTATION OWNERS ASSOCIATION,
CUSTODIAN OF RECORDS

Chapter 7

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY N/A

COURTROOM N/A

DATE AND TIME N/A

☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION N/A

DATE AND TIME N/A

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A"

PLACE
Business World
21 Racetrack Rd. NE, Ft. Walton Beach, FL 32547

DATE AND TIME
November 1, 2005
10:00 A.M.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES N/A

DATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE

L. Scott Keehn

Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
San Diego, CA 92101, 619-232-1700

¹

If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE

PLACE

Kelly Plantation Owners Association
4393 Commons Drive E.
Destin, FL 32541

SERVED

SERVED ON (PRINT NAME)

Custodian of Records

MANNER OF SERVICE

Personally

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

Advanced Investigations

ADDRESS OF SERVER

24 Racetrack Rd. NW

Ft. Walton Beach, FL 32547

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean the **Kelly Plantation Owners Association**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of, who are in possession of **Kelly Plantation Owners Association**, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provide a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Homeowner's Association account of **Francis J. Lopez**.

2. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

3. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

B 256 (11/91)

W. DARRELL PARRISH #37 CERTIFIED PROCESS SERVER FIRST JUDICIAL CIRCUIT OF FLORIDA DATE <u>10-5-05</u> <u>Am</u> FRANCIS J. LOPEZ	United States Bankruptcy Court Northern District of Florida Alleged Debtor
---	--

SUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODE

Case No. 05-05926-PB7
United States Bankruptcy Court for the Southern District of
California

To: FT. WALTON BEACH MEDICAL CENTER,
CUSTODIAN OF RECORDS

Chapter 7

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY N/A

COURTROOM N/A

DATE AND TIME N/A

☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION N/A

DATE AND TIME N/A

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A"

PLACE
Business World
21 Racetrack Rd. NE, Ft. Walton Beach, FL 32547

DATE AND TIME
November 1, 2005
1:00 P.M.

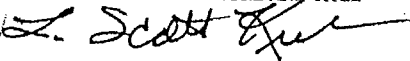
☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES N/A

DATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE



Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
San Diego, CA 92101, 619-232-1700

1

number.

If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case

rec'd 10/4/05

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE 10/5/05 9:50am

PLACE

Ft. Walton Beach Medical Center
1000 Mar Walt Drive
Ft. Walton Beach, FL 32547

SERVED

SERVED ON (PRINT NAME)

Evelyn Ross

Custodian of Records/Risk Manager

MANNER OF SERVICE

Personally

SERVED BY (PRINT NAME)

Darrell Parrish #037

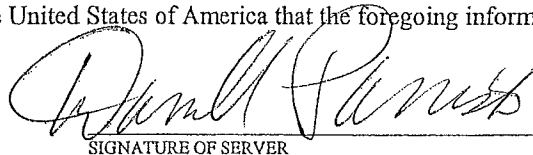
TITLE

CERTIFIED PROCESS SERVER FIRST
JUDICIAL CIRCUIT OF FLORIDA

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 10/5/05
DATE


SIGNATURE OF SERVER

Advanced Investigations

ADDRESS OF SERVER

24 Racetrack Rd. NW
Ft. Walton Beach, FL 32547

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean the **Ft. Walton Beach Medical Center**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of, who are in possession of **Ft. Walton Beach Medical Center**, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provide a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

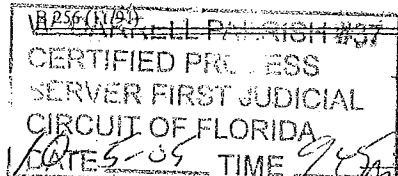
D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR medical and health services account of **Francis J. Lopez**.

2. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

3. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.



United States Bankruptcy Court

Northern District of Florida

In re FRANCIS J. LOPEZ,
Alleged Debtor

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

Case No.¹ 05-05926-PB7
United States Bankruptcy Court for the Southern District of
California

To: ALLSTATE FLORIDIAN,
CUSTODIAN OF RECORDS

Chapter 7

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY N/A

COURTROOM N/A

DATE AND TIME N/A

☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION N/A

DATE AND TIME N/A

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A"

PLACE
Business World
21 Racetrack Rd. NE, Ft. Walton Beach, FL 32547

DATE AND TIME
November 2, 2005
10:00 A.M.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES N/A

DATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE

L. Scott Keehn
Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
San Diego, CA 92101, 619-232-1700

1

number.

If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case

rec'd 10/4/05

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE 10/5/05
9:45am

PLACE

Allstate Floridian
54 Beal Parkway
Ft. Walton Beach, FL 32548

SERVED

SERVED ON (PRINT NAME)
Michelle Clark

Custodian of Records

MANNER OF SERVICE

Personally

SERVED BY (PRINT NAME)

Darrell Parrish #037

TITLE

CERTIFIED PROCESS SERVER FIRST
JUDICIAL CIRCUIT OF FLORIDA

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 10/5/05
DATE


SIGNATURE OF SERVER

Advanced Investigations

ADDRESS OF SERVER

24 Racetrack Rd. NW
Ft. Walton Beach, FL 32547

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS:**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) **DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **Allstate Floridian**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **Allstate Floridian**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

/////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provided a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Homeowner's Insurance account of **Francis J. Lopez**.

2. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

3. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

B 256 (11/91)

W. DARRELL PARRISH #37
 CERTIFIED PROCESS
 SERVER FIRST JUDICIAL
 CIRCUIT OF FLORIDA

United States Bankruptcy Court
 Northern District of Florida

DATE 2-10-05 TIME 10:00 AM
 In re FRANCIS J. LOPEZ

Alleged Debtor

SUBPOENA IN A CASE UNDER
 THE BANKRUPTCY CODE

Case No.¹ 05-05926-PB7
 United States Bankruptcy Court for the Southern District of
 California

To: NORTHWEST FLORIDA DAILY NEWS,
CUSTODIAN OF RECORDS

Chapter 7

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY N/A

COURTROOM N/A

DATE AND TIME N/A

☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION N/A

DATE AND TIME N/A

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A"

PLACE
 Business World
 21 Racetrack Rd. NE, Ft. Walton Beach, FL 32547

DATE AND TIME
 November 2, 2005
 1:00 P.M.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES N/A

DATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE

L. Scott Keehn

Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
 San Diego, CA 92101, 619-232-1700

1

number.

If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case

rec'd 10/4/05

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE 10/5/05 10:00am

PLACE

Northwest Florida Daily News
200 Racetrack Rd.
Ft. Walton Beach, FL 32549

SERVED

SERVED ON (PRINT NAME)

Eleanor Hypes

Custodian of Records/HR Specialist

MANNER OF SERVICE

Personally

SERVED BY (PRINT NAME)

Darrell Parrish #037

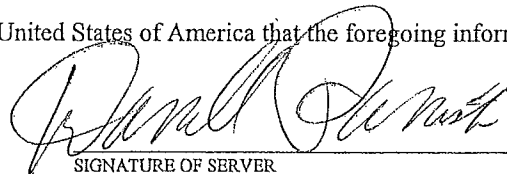
TITLE

CERTIFIED PROCESS SERVER FIRST
JUDICIAL CIRCUIT OF FLORIDA

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 10/5/05
DATE



SIGNATURE OF SERVER

Advanced Investigations

ADDRESS OF SERVER

24 Racetrack Rd. NW
Ft. Walton Beach, FL 32547

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

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(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **Northwest Florida Daily News**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **Northwest Florida Daily News**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

////

G. The terms "REFER TO" or "RELATE TO" as used herein shall mean supports, describes, alludes to, comments on, discusses, shows, discloses, explains, mentions, analyzes, indicates, regards, respects, affects, concerns, touches on, pertains to, compares, balances, links, suggests, constitutes, comprises, evidences, sets forth, summarizes or characterizes, either directly or indirectly, in whole or in part.

H. The singular shall be interchangeable with the plural, the masculine, feminine, and neuter shall be interchangeable, and the terms "and" and "or" shall be both conjunctive and disjunctive.

2. It is not intended that this request for DOCUMENTS require the disclosure of any DOCUMENTS which YOU claim are protected against disclosure as "work product" or "privileged," although plaintiff reserves the right to move for disclosure. For any DOCUMENT withheld on such grounds, please provided a written response with the following information:

A. A description of the DOCUMENTS sufficiently particular to identify it and to enable YOU to identify, disclose or produce it in response to an order of the above-entitled court;

B. The nature of the protection claimed;

C. A list of all PERSONS who participated in the preparation of the DOCUMENT;

D. A list of all PERSONS to whom the DOCUMENT was circulated, or its contents communicated.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to YOUR Newspaper account of **Francis J. Lopez**.

2. To the extent they are different from those previously requested, copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control which REFER or RELATE to **Francis J. Lopez**.

3. Copies of any and all DOCUMENTS, for June 30, 2004, to the present, in YOUR possession, custody or control, which REFER or RELATE in any way to records of charges and payments made by **Francis J. Lopez**.

B 256 (11/91)

United States Bankruptcy Court

Middle District of Florida

In re FRANCIS J. LOPEZ,
Alleged Debtor

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

Case No.¹ 05-05926-PB7
United States Bankruptcy Court for the Southern District of
California

To: PROGRESSIVE CORPORATION,
AGENT FOR SERVICE OF PROCESS

Chapter 7

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY N/A

COURTROOM N/A

DATE AND TIME N/A

☐ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION N/A

DATE AND TIME N/A

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A"

PLACE

Kepplinger, A Process Server
6155 97th Terrace North, Pinellas Park, FL 33782

DATE AND TIME

November 1, 2005
10:00 A.M.

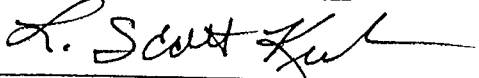
☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES N/A

DATE AND TIME N/A

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed. R. Civ. P. 30(b)(6) made applicable in proceedings by Rule 7030, Fed. R. Bankr. P. See Rules 1018 and 9014, Fed. R. Bankr. P.

ISSUING OFFICER SIGNATURE AND TITLE



Attorneys for Petitioning Creditor

DATE

October 3, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Scott Keehn, Esq., ROBBINS & KEEHN, APC, 530 "B" Street, Suite 2400,
San Diego, CA 92101, 619-232-1700

¹

If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

B 256 (11/91) (cont.)

PROOF OF SERVICE

DATE	PLACE	Progressive Corporation Agent for Service of Process, Jon C. Bolton Sr. 9340 N. 56th St., 222C Tampa, FL 33617
SERVED		
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
Agent for Service of Process	Personally	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

Kepplinger, A Process Server
ADDRESS OF SERVER
6155 97th Terrace North
Pinellas Park, FL 33782

Rule 45, Fed. R. Civ. P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed. R. Bankr. P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject

to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
MIDDLE District of FLORIDA

Case Number: 05-5926-PB7

ALLEGED DEBTOR:
FRANCIS J. LOPEZ

vs.

Defendant:
N/A

For:
L. Scott Keehn
ROBBINS & KEEHN, APC
530 "B" Street
Suite 2400
San Diego, CA 92101

Received by KEPLINGER PROCESS SERVICE on the 10th day of October, 2005 at 7:54 am to be served on
PROGRESSIVE CORPORATION, C/O JON C. BOLTON, SR., AGENT FOR SERVICE OF PROCESS, 9340 N.
56TH STREET, SUITE 222C, TAMPA, FL. 33617.

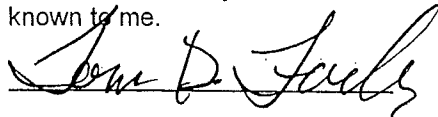
I, DIANNA L. BUCHNER, being duly sworn, depose and say that on the 12th day of October, 2005 at 10:40 am, I:

Served the within named CORPORATION by delivering a true copy of the SUBPOENA IN A CASE UNDER
BANKRUPTCY CODE WITH EXHIBIT "A", PROGRESSIVE CORPORATION'S JOINDER IN INVOLUNTARY
PETITION FOR FRANCIS J. LOPEZ AND ATTACHED LETTER with the date and hour of service endorsed thereon
by me to JON C. BOLTON, SR. as REGISTERED AGENT of the within named CORPORATION, in compliance with
FL. Statute 48.081(1)(2)(3)

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in
good standing, in the judicial circuit in which the process was served.

Pursuant to Florida Statute 92.525, and under penalty of perjury, I declare that the facts set forth in the foregoing
return of service are true and correct 10-12-05

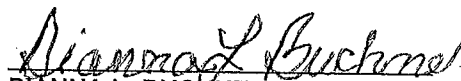
Subscribed and Sworn to before me on the 13th day
of October, 2005 by the affiant who is personally
known to me.



NOTARY PUBLIC



Tom D. Farley
Commission # DD457813
Expires August 3, 2009
Bonded Troy Fain - Insurance, Inc. 800-385-7019


DIANNA L. BUCHNER
CPC# 74-2955002

KEPLINGER PROCESS SERVICE
6155 - 97th Terrace N.
Pinellas Park, FL 33782
(727) 545-2008

Our Job Serial Number: 2005002670

**EXHIBIT "A" TO SUBPOENA
IN CASE UNDER THE BANKRUPTCY CODE**

1. **DEFINITIONS:** As used herein, unless specifically indicated otherwise, the following terms shall have the indicated meanings:

A. The terms "YOU" and "YOUR" mean **Progressive Insurance**, its agents, representatives, attorneys, investigators, consultants, insurers or anyone acting on behalf of **Progressive Insurance**, who are in possession of, or may have obtained information for, by or on behalf of **Francis J. Lopez**.

B. The term "PERSON" means and includes natural PERSONS any business entity, whether a corporation, partnership, association, firm, joint venture or other, any governmental or public entity, and any other legal entity.

C. The term "DOCUMENT" means and includes any kind of written, typewritten, printed or recorded material or computer files, DOCUMENTS or records whatsoever, regardless of the source or author thereof, including, without limitation, any writing, filed for reporting or other purposes with the federal state, or local agency, COMPUTER-STORED DATA, computer discs, computer printouts recordings, maps, plats, plans, accountings, calculations, reports, letters, correspondence, telegrams, cables, telexes, e-mail, messages, memoranda, notes, records, summaries, reports, analyses, studies, manuals, notebooks, desk calendars, appointment books, diaries, time sheets, logs, files, binders, brochures, pamphlets, manuscripts, bulletins, circulars, drawings, charts, diagrams, facsimiles, schedules, graphs, contracts, canceled checks, booklets, bills, audited financial STATEMENTS, unaudited financial STATEMENTS, financial ledgers, stock ledgers for all forms and types of securities, minutes of directors, shareholder or committee meetings, written COMMUNICATIONS of directors and shareholders, bank checks, invoices, charge slips, hotel charges, receipts, invoices forms, abstracts, agreements, STATEMENTS, lists, deposit and withdrawal receipts, evaluations, statistics, licenses, advertisements, certificates, permits, cost sheets, expense accounts, vouchers, all other forms of correspondence, all other forms of electronic storage of data, any and all written COMMUNICATIONS, records and copies, extracts and summaries or other DOCUMENTS, and drafts of any of the above, whether used or not, or any other writings or recording as defined by the Federal Rules of Evidence, Rule 1001, 28 U.S.C.A.

D. The terms "COMMUNICATION" or "COMMUNICATIONS" means any type of oral, written or visual contact between two or more PERSONS in which information, facts or opinions were exchanged, imparted or received.

E. The term "STATEMENT" means any oral, written, stenographic or recorded declaration of any kind or description.

F. The term "ALL COMPUTER-STORED DATA" means any computer disks, compact discs, computer tapes, computer runs, computer printouts, computer electronic mail (E-mail) sent or received, and computer databases.

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